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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,003	10/16/2003	Jayson D. Jones	34553119	7452

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Intellectual Property Department
DEWITT ROSS & STEVENS S.C.
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Madison, WI 53717-1914

EXAMINER


BATSON, VICTOR D

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 10/687,003	Applicant(s) JONES ET AL.	
	Examiner Victor Batson	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-21 is/are allowed.
- 6) ☒ Claim(s) 1 and 6 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 7-10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/16/03</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Objections

Claim 10 is objected to because of the following informalities: In claim 10 line 11, the phrase "any elastic bushing" renders the claim indefinite. The term "any elastic bushing" in claim 10 is a relative term, which renders the claim indefinite. The term "any" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curtis et al. (6,240,659) in view of Robinson (6,240,663).

Curtis et al. discloses a plow moldboard cutting edge comprising a cutting edge blade (considered the combination of the unnumbered plow blade and frame 70) through holes and bushings 70a, 70b, 70c, 70d as shown in figure 1. Curtis et al., however lacks specifying that the bushings are elastic.

Robinson teaches that it is known in the agricultural art to use elastic bushings 114 with fasteners 112 as part of an attachment means. Additionally, Robinson shows that elastic bushings are an equivalent structure known in the art. Therefore, because these two bushings were art-recognized equivalents at the time the invention

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was made, one of ordinary skill in the art would have found it obvious to substitute the elastic bushings of Robinson for the unspecified bushings of Curtis et al..

Additionally, the examiner notes that the claimed recitation of "to affix the cutting edge blade to the plow moldboard" is an intended use recitation included in a whereby clause, and that a positive recitation of a plow moldboard separate from the cutting edge blade is not claimed in claim 1.

Claims 1 & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curtis et al. (6,240,659) in view of Gehrke (5,525,114).

Curtis et al. discloses a plow moldboard cutting edge comprising a cutting edge blade (considered the combination of the unnumbered plow blade and frame 70) through holes and bushings 70a, 70b, 70c, 70d as shown in figure 1. Curtis et al., however lacks specifying that the bushings are elastic.

Gehrke teaches that it is known in the agricultural art to use elastic bushings 50, including a nonelastic bushing 56 with fasteners 42 as part of an attachment means. Additionally, Gehrke shows that elastic bushings including a nonelastic bushing therein are an equivalent structure known in the art. Therefore, because these two bushings were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the elastic bushings of Gehrke for the unspecified bushings of Curtis et al..

Additionally, the examiner notes that the claimed recitation of "to affix the cutting edge blade to the plow moldboard" is an intended use recitation included in a whereby

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clause, and that a positive recitation of a plow moldboard separate from the cutting edge blade is not claimed in claim 1.

Allowable Subject Matter

Claims 2-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11-21 are allowed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

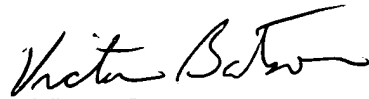
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (703) 305-6356. The examiner can normally be reached on Monday through Friday (except Wednesday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (703) 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 4, 2005



Victor Batson
Primary Examiner
Art Unit 3671